



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

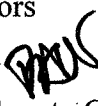
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RICHARD D. WEISS
Acting County Counsel

July 23, 2014

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Shawn Randolph v. County of Los Angeles, et al.
Torrance Superior Court Case No. YC 069 431
and related Claim of State Farm Insurance

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Shawn Randolph v. County of Los Angeles, et al., Torrance Superior Court Case No. YC 069 431, in the amount of \$203,482.19, and related Claim of State Farm Insurance in the amount of \$10,000, for a total amount of \$213,482.19, and instruct the Acting Auditor-Controller to draw warrants to implement the settlement from the Department of Public Works' budget.

This lawsuit and related subrogation claim seek compensation from the Department of Public Works for real and personal property damages allegedly caused from a backflow of sewage due to a sewer main line blockage.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Shawn Randolph v. County of Los Angeles, et al. & Subrogation claim of State Farm Insurance
CASE NUMBER	YC069431
COURT	Torrance Superior Court
DATE FILED	December 11, 2012 & February 11, 2013, respectively
COUNTY DEPARTMENT	Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 203,482.19 & 10,000.00, respectively
ATTORNEY FOR PLAINTIFF	Olivia O. Bissell for Shawn Randolph and State Farm for itself
COUNTY COUNSEL ATTORNEY	Liliana Campos
NATURE OF CASE	This lawsuit arises from a blocked County main sewer line that caused a sewage backflow into plaintiff's home and damaged the structure and personal property. Due to the risks and uncertainties of litigation, a full settlement of the lawsuit is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 0
PAID COSTS, TO DATE	\$ 0

Case Name: Randolph, Shawn



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	December 8, 2012
Briefly provide a description of the incident/event:	<p>On December 8, 2012, a sewage backup occurred at 404 Via Alcance in the City of Palos Verdes Estates. The effluent overflowed into various rooms of the residence and caused damage to the interior and the homeowner's personal property. It is alleged that the overflow was caused by a tree-root blockage in the sewer mainline.</p> <p>Sewer Maintenance Division (SMD) responded to a service request concerning a sewage flood out at the homeowner's residence. The SMD crew proceeded to rod the sewer mainline between Manhole Nos. 6 and 7 to break down a root blockage.</p> <p>The homeowner declined the Rapid Response Program offered by Carl Warren and Company.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The property damage was caused by a sewer mainline blockage in conjunction with the homeowner's failure to install and maintain a backwater valve, which would be required under current Building and Plumbing Codes. It appears that the absence or failure of the backwater valve allowed sewage from the blocked sewer mainline to flow into the residence.

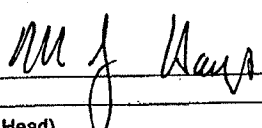
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

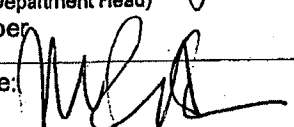
As a condition of settlement, the homeowner has agreed to install a code compliant backwater valve.

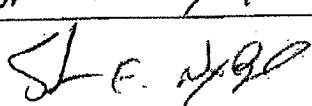
As a precautionary measure, the sewer mainline was also placed on an enhanced maintenance and cleaning schedule to prevent future blockages and will remain on this schedule until it is no longer deemed necessary by maintenance personnel. The sewer manholes will also continue to be inspected semi-annually as part of SMD's Preventative Maintenance Program.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?
- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) Michael J. Hays	
Signature: 	Date: 7/10/14

Name: (Department Head) Gail Farber	
Signature: 	Date: 7/10/14

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Steven E. McBlain	
Signature: 	Date: 7-12-14

MM:psr
P4:RANDOLPH SCAP (3) REV

Case Name: Shawn Randolph



Corrective Action Plan

1. General Information

Department:	Public Works
Date CAP document prepared:	August 1, 2013
Name of departmental contact person:	Massood Eftekhari
• Title:	Deputy Director
• Phone number:	(626) 458-4016
• E-mail Address:	MEFTEKHARI@dpw.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	December 8, 2012
Location of incident/event:	404 Via Alcance, Palos Verdes Estates
Event contact person:	Robert Swartz
• Phone Number:	(626) 300-3367
• E-mail Address:	RSWARTZ@dpw.lacounty.gov
Claim adjuster: (Third Party Administrator or County Counsel)	Brett Barnes
• Phone number:	(818) 247-2206 ext. 6761
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Brian Chu
• Phone number:	(714) 448-9567

3. Incident/Event Description:

Nature of incident/event:	Sewer backup
Provide a brief description of the incident/event:	On December 8, 2012, a sewage backup occurred at 404 Via Alcance in the City of Palos Verdes Estates. The effluent overflowed into various rooms of the residence and caused damage to the interior and homeowner's personal property. Homeowner alleges that the overflow was caused by a tree-root blockage in the sewer mainline and the County's negligence in performing maintenance.

- ☐ Included a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:

Sewer Maintenance Division (SMD) received a service request concerning a sewage floodout at the subject residence. The responding SMD crew proceeded to rod the mainline between Manhole Nos. 6 and 7 to break down a root blockage.

The homeowner declined Carl Warren and Company offer to remediate the property damage under the Rapid Response Program and hired her own clean-up company.

The sewer manholes along Via Alcance had last been inspected on August 22, 2012, as part of our Preventative Maintenance Program.

5. Root Cause Analysis

Root Cause Analysis tool used:	The property damage was caused by a sewer mainline blockage and the homeowner's failure to install and maintain a backwater valve, which would be required under current Building and Plumbing Codes.
Root Cause Analysis source material(s) used:	The sewer mainline blockage in conjunction with the absence or failure of the backwater valve allowed sewage to enter the plumbing system and cause the water damage to the residence.

- ☐ Included a copy of the Root Cause Analysis tool utilized (or related Root Cause analysis documentation).

Identify as many root causes as necessary. Select the root cause type that best describes the nature of the root cause description. You will reference each root cause by its letter when writing the Corrective Action Steps.

Root Cause A	
Root Cause Type:	<i>Only select one:</i> <input checked="checked" type="checkbox"/> Process/System <input type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	The sewer mainline blockage caused by tree roots in conjunction with the absence or failure of a backwater valve allowed sewage from the blocked mainline to flow into the residence located at 404 Via Alcance.

Root Cause B	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	

Root Cause C	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	

Root Cause D	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	

Root Cause E	
Root Cause Type:	<i>Only select one:</i> <input type="checkbox"/> Process/System <input type="checkbox"/> Personnel <input type="checkbox"/> Equipment <input type="checkbox"/> Property
Describe Root Cause:	

*If additional root causes are needed; cut and paste the above fields, as needed. If necessary, delete unused root cause fields.

6. Corrective Action Plan Steps

For each Corrective Action Plan step, please reference, by letter, the Root Cause(s) this Corrective Action Plan step is addressing.

Associated Root Cause reference letter(s):	A
Task number:	1
Task name:	Plumbing repair/modification/Enhanced Scheduled Maintenance and Cleaning
Scheduled start date:	Scheduled by the homeowner/December 8, 2012
Scheduled completion date:	Scheduled by the homeowner/Until no longer deemed necessary by maintenance personnel
Responsible person:	Shawn Randolph/Robert Swartz
Task description:	<p>As a condition of settlement, the homeowner has agreed to install a code compliant backwater valve on his sewer lateral.</p> <p>In addition, this segment of the mainline along Via Alcance was placed on a 90-day hydro-root saw and 18-month root foaming schedule to prevent future root blockages. This enhanced maintenance schedule will continue as long as deemed necessary by maintenance personnel. The manholes along this segment of mainline will continue to be inspected on a semiannual inspection program.</p>

Associated Root Cause reference letter(s):	
Task number:	
Task name:	
Scheduled start date:	
Scheduled completion date:	
Responsible person:	
Task description:	

Associated Root Cause reference letter(s):	
Task number:	
Task name:	
Scheduled start date:	
Scheduled completion date:	
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Task number:	
Task name:	
Scheduled start date:	
Scheduled completion date:	
Responsible person:	
Task description:	

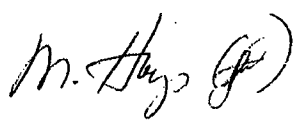
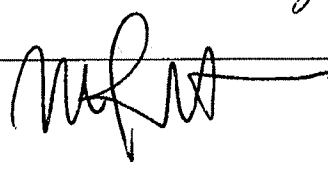
County of Los Angeles
Corrective Action Plan

Associated Root Cause reference letter(s):	
Task number:	
Task name:	
Scheduled start date:	
Scheduled completion date:	
Responsible person:	
Task description:	

*If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

7. Review and Authorization

The department has reviewed the incident/event investigation, root cause analysis documentation, Corrective Action Plan, and has taken all appropriate corrective actions required.

Review and authorization steps	Signature	Date
Document reviewed by Department Risk Management Coordinator:		7/10/14
Document reviewed by Department head or designee.		7/10/14

MH:psr
P4:\RANDOLPH CAP2